

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**S.C., by his Father, James Csizmadia,  
as next friend,**

**Plaintiff,**

**v.**

**Loudoun County School Board, *et al.***

**Defendants.**

**Case No. 1:23-cv-00523**

**MOTION FOR SUBSTITUTION OF PARTY UNDER FED. R. CIV. P. 25(D)**

Defendants the Virginia Department of Education (“VDOE”) and Lisa Coons, Superintendent of Public Instruction (together, “State Defendants”), by counsel and pursuant to Fed. R. Civ. P. 25(d), submit the following motion:

1. Pursuant to Fed. R. Civ. P. 25(d), State Defendants move to automatically substitute Lisa Coons, current Superintendent of Public Instruction, sued in her official capacity, for Jillian Balow, former Superintendent of Public Instruction, sued in her official capacity. At the time this lawsuit was filed, Defendant Balow was no longer Superintendent of Public Instruction. On March 22, 2003, Lisa Coons was confirmed as Secretary of Public Instruction, replacing Defendant Balow as executive officer of the VDOE.

2. Fed. R. Civ. P. 25(d) provides that “[a]n action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending;” that “[t]he officer’s successor is automatically substituted as a party;” that “[l]ater proceedings should be in the substituted party’s name, but any misnomer not affecting the

parties' substantial rights must be disregarded;" and that "[t]he court may order substitution at any time, but the absence of such an order does not affect the substitution."

3. Given that Defendant Balow was sued in her official capacity, this motion does not affect any substantial rights, pending deadlines, or liability of State Defendants.

Dated: April 24, 2023

Respectfully submitted,

**McGUIREWOODS LLP**

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**CERTIFICATE OF SERVICE**

I certify that on the 24th day of April, 2023, a true and correct copy of the foregoing document was electronically filed using the ECF system, and therefore served on all counsel of record.

/s/ Farnaz F. Thompson

Farnaz F. Thompson